

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Andreev et al.

Group Art Unit: 2152 / Conf. # 5834

Application No.: 10/777,799

Examiner: Najee-Ullah, Tariq S.

Filing Date: 02/12/2004

Docket No.: END920030006US1

Title: **SYSTEM AND METHOD FOR MESSAGING AND COLLABORATING IN AN INTRANET ENVIRONMENT**

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**BRIEF OF APPELLANT**

This Appeal Brief, pursuant to the Notice of Appeal filed December 5, 2008, is an appeal from the rejection of the Examiner in the Final Office Action dated September 18, 2008.

**REAL PARTY IN INTEREST**

International Business Machines, Inc. is the real party in interest.

**RELATED APPEALS AND INTERFERENCES**

None.

**STATUS OF CLAIMS**

Claims 1 and 5 are rejected. Claims 2-4 and 6-12 are cancelled. This Brief is in support of an appeal from the rejection of claims 1 and 5.

**STATUS OF AMENDMENTS**

Appellant's claim amendment submitted on November 14, 2008 in response to the office

action dated September 18, 2008 was not entered.

## **SUMMARY OF CLAIMED SUBJECT MATTER**

### **CLAIM 1 - INDEPENDENT**

The present invention provides a method for operating a server (12 and 14, FIG. 1) for establishing a chat session between two users in a network system, including a first user (26, FIG. 1) (see specification, page 4, lines 2-6; page 10, lines 11-18). The first user desires to establish a chat session with a second user (22, FIG. 1) which does not have a chat application open (see specification, page 12, lines 2-4).

Said first user downloads, from said server, browser executable code for initiating a chat session. See specification, page 11, lines 1-3.

Said first user executes said browser executable code to display at a first browser window a chat invitation form (50, FIG. 3) including a header field (51, FIG. 3), an instruction field (52, FIG. 3), one or more fields (53-55, FIG. 3) for entering user identifiers, and a message field (56, FIG. 3). See step 43, FIG. 2; specification, page 11, lines 4-9.

Said first user entering to said chat invitation form one or more user identifiers including a user identifier for said second user, and optionally a message to said message field. See specification, page 11, lines 10-12.

A request to enter chat mode with a second user is received at said server from said first user. See FIG. 2 (right arrow from 43 to 10); specification, page 11, lines 9-10, 20-21.

An HTTP request to download content from said server or any other intranet or Intranet server is received asynchronously at said server from said second user. Said second user is not currently executing a chat applet instance and being unaware of said request from said first user

to enter chat mode. See step 35, FIG. 2; specification, page 11, line 20 - page 12, line 4.

Said server responds to said HTTP request from said second user with an HTTP response including said content modified with a chat user interface to open a browser window (60, FIG. 4) including a header field (61, FIG. 4), a messages field (62, FIG. 4), and a response field (63, FIG. 4), which browser window downloads a chat applet instance for execution at said second user. See step 37, FIG. 2; specification, page 12, lines 12 - 20.

Said chat applet instance is executed at said second user to instantiate a chat session between said first user and said second user. See specification, page 12, line 20 - page 13, line 1.

A persistent connection is established between said second browser and said server to establish a channel for message exchange between said first and second browsers with said server acting as proxy. See step 38, FIG. 2; specification, page 13, lines 1-4; page 20, lines 10-13.

#### CLAIM 5 - DEPENDENT

Said first user is authenticated to a message engine at said server to enable unicast messaging capabilities. See specification, page 8, lines 6-7.

Thereafter, a user interface to a collaboration tool is served to said first user, in response to an asynchronous message from said first user requesting server content. The collaboration tool for conveying text and/or multimedia messages with respect to said first user and an administration server. See specification, page 8, line 20 - page 9, line 1.

# **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

1. Claim 1 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over US Patent Number 7,171,473 to Eftis et al (Eftis hereinafter) in view of US Patent Application Publication Number 2002/0111942 to Campbell et al (Campbell hereinafter).
2. Claim 5 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of Eftis-Campbell as applied to claim 1 above, and further in view of US Patent Number 7,263,526 to Busey et al (Busey hereinafter).

## ARGUMENT

### GROUND OF REJECTION 1

Claim 1 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over US Patent Number 7,171,473 to Eftis et al (Eftis hereinafter) in view of US Patent Application Publication Number 2002/0111942 to Campbell et al (Campbell hereinafter).

Appellants respectfully contend that claim 1 is not unpatentable over Eftis in view of Campbell, because Eftis in view of Campbell does not teach or suggest each and every feature of claim 1.

As a first example of why claim 1 is not unpatentable over Eftis in view of Campbell, Eftis in view of Campbell does not teach or suggest the feature: “said first user downloading from said server browser executable code for initiating a chat session; said first user executing said browser executable code to display at a first browser window a chat invitation form including a header field, an instruction field, one or more fields for entering user identifiers, and a message field”.

The Examiner argues: “Eftis teaches **first user downloading from said server browser executable code for initiating a chat session** (Eftis, col. 8, lines 18-33 teaches downloading an applet tied to a web page/browser; col. 8, I. 34-48; download application based on a C programming language); **said first user executing said browser executable code to display at a first browser window a chat invitation form including a, header field, an instruction field, one or more fields for entering user identifiers, and a message field** (Eftis, col. 8, line 54 — col. 9, line 30; teaches use of usernames, passwords, session ID, i.e. user identifiers, and messages sent a http requests)”.

In response, Appellants respectfully contend that Eftis does not teach that the browser executable code downloaded from the server (i.e., browser executable code in the applet 38) is executed “to display at a first browser window a chat invitation form including a header field, an instruction field, one or more fields for entering user identifiers, and a message field” as required by the language of claim 1. Instead, Eftis discloses that the applet 38 executes receiving a session ID sent by the session manager 12 followed by initiating a HTTP request (see Eftis, col. 9, lines 6-17).

Therefore, Eftis in view of Campbell does not disclose the preceding feature of claim 1.

As a second example of why claim 1 is not unpatentable over Eftis in view of Campbell, Eftis in view of Campbell does not teach or suggest the feature: “said first user entering to said chat invitation form one or more user identifiers including a user identifier for said second user”.

The Examiner argues that Eftis, col. 8, lines 54-62 discloses the preceding feature of claim 1.

In response, Appellants asserts that Eftis, col. 8, lines 54-62 recites: “Initially, a user must register with the communications system. In particular, the user must pick a username and password that will be used to allow the user to log into the system and thus maintain his presence on line. Additionally, the user's username will be used to allow others to communication with the user. For example, as discussed below, the HTTP URL <http://pxcall.com/username> will allow anyone, whether or not they are registered to use the communications system, to communicate with the user.”

Thus, the Examiner is arguing that Eftis, col. 8, lines 54-62 allegedly satisfies the claimed language of “said first user entering to said chat invitation form one or more user

identifiers including a user identifier for said second user” by teaching that entry of the username and password by the user allows the user to log into the system. However, Eftis, col. 8, lines 54-62 does not disclose that the user enters the username and password into the chat invitation form as required by the preceding feature of claim 1. Since claim 1 also recites “said first user executing said browser executable code to display at a first browser window a chat invitation form” which can be performed only after the user has already logged into the system, it is clear that the chat invitation form is not available to the user for entry of information before the user has logged into the system. Thus, it is logically impossible for the user to enter the username and password into the chat invitation form to log into the system, since the chat invitation form is not available to the user until the after user executes the browser executable code to display the chat invitation form, which cannot be performed until after the user has logged into the system. Thus, the Examiner’s argument violates elementary logic and is accordingly not persuasive.

Therefore, Eftis in view of Campbell does not disclose the preceding feature of claim 1.

As a third example of why claim 1 is not unpatentable over Eftis in view of Campbell, Eftis in view of Campbell does not teach or suggest the feature: “receiving at said server from said first user a request to enter chat mode with said second user; receiving asynchronously at said server from said second user an HTTP request to download content from said server or any other intranet or Intranet server”.

The Examiner argues: “Eftis teaches ... **receiving at said server from said first user a request to enter chat mode with a second user** (Eftis, col. 17, lines 45-67); **receiving asynchronously at said server from said second user an HTTP request to download content**

**from said server or any other intranet or Intranet server (Eftis, col. 18, lines 6-19)”.**

In response, Appellants respectfully contends that Eftis, col. 18, lines 6-19 recites that the chat server 30 on the manager server 12 receives a message. However, Eftis, col. 18, lines 6-19 does not disclose that the message is received from the second user, as required by the preceding feature of claim 1. Moreover, Eftis, col. 18, lines 6-19 does not disclose that the received message is “an HTTP request to download content from said server or any other intranet or Intranet server” as required by the preceding feature of claim 1.

Therefore, Eftis in view of Campbell does not disclose the preceding feature of claim 1.

As a fourth example of why claim 1 is not unpatentable over Eftis in view of Campbell, Eftis in view of Campbell does not teach or suggest the feature: “said server responding to said HTTP request from said second user with an HTTP response including said content modified with a chat user interface to open a browser window including a header field, a messages field, and a response field”.

The Examiner argues: “Eftis teaches ... **said server responding to said HTTP request from said second user with an HTTP response including said content modified with a chat user interface to open a browser window including a header field, a messages field, and a response field, which browser window downloads a chat applet instance for execution at said second user** (Eftis, col. 8, line 54 – col. 9, line 30; teaches use of usernames, passwords, session ID, i.e. user identifiers, and messages sent a http requests)”.

In response, Appellants respectively contend that the Examiner’s argument that Eftis, col. 8, line 54 – col. 9, line 30 teaches use of usernames, passwords, session ID (i.e. user identifiers, and messages sent a http requests) is misdirected and not relevant to the preceding feature of



claim 1. Specifically, Eftis, col. 8, line 54 – col. 9, line 30 does not disclose that the HTTP response by the server, to the HTTP request from said second user, comprises a modification of the content requested by the second user, wherein the modification of the content requested by the second user is “with a chat user interface to open a browser window including a header field, a messages field, and a response field”.

Therefore, Eftis in view of Campbell does not disclose the preceding feature of claim 1.

As a fifth example of why claim 1 is not unpatentable over Eftis in view of Campbell, Eftis in view of Campbell does not teach or suggest the feature: “executing said chat applet instance at said second user to instantiate a chat session between said first user and said second user”.

The Examiner argues: “The Examiner argues: “Eftis teaches ... **executing said chat applet instance at said second user to instantiate a chat session between said first user and said second user** (Eftis, col. 8, lines 18-33 teaches downloading an applet tied to a web page/browser”.

In response, Appellants respectively contend that the Examiner’s argument is not persuasive, because Eftis, col. 8, lines 18-33 is totally silent as to instantiation of “a chat session between said first user and said second user” via “executing said chat applet instance at said second user ”.

Therefore, Eftis in view of Campbell does not disclose the preceding feature of claim 1.

As a sixth example of why claim 1 is not unpatentable over Eftis in view of Campbell, Eftis in view of Campbell does not teach or suggest the feature: “establishing a *persistent*

*connection* between said second browser and said server to establish a channel for message exchange between said first and second browsers” (emphasis added).

The Examiner argues that Eftis, col. 10, lines 32-10 discloses the preceding feature of claim 1.

In response, Appellants respectively contend that Eftis, col. 10, lines 32-61 discloses only *non-persistent connections* between users and the chat server 30 in which connections are terminated by: the user intentionally logging off the network, a socket associated with the user is no longer open, or a keep-alive counter is decremented to zero (see Eftis, col. 10, lines 50-61). Eftis does not disclose establishing a persistent connection between users and the chat server 30.

Therefore, Eftis in view of Campbell does not disclose the preceding feature of claim 1.

As a seventh example of why claim 1 is not unpatentable over Eftis in view of Campbell, Eftis in view of Campbell does not teach or suggest the feature: “said second user not currently executing a chat applet instance and being unaware of said request from said first user to enter chat mode”.

The Examiner argues that Campbell, Pars. 118 and 153 disclose the preceding feature of claim 1.

In response, Appellants respectfully contend that Campbell, Pars. 118 and 153 are totally silent as to “said second user not currently executing a chat applet instance”.

In further response, Appellants respectfully contend that Campbell, Pars. 118 and 153 do not disclose “said second user not currently ... being unaware of said request from said first user to enter chat mode”, but rather disclose that a use might be unaware of an invitation to join a webgroup. Appellants assert that a webgroup is not inherently a chat group.

In addition, Appellants assert that the Examiner's argument is not persuasive as to why it is allegedly obvious to modify Eftis by the feature of "said second user not currently executing a chat applet instance and being unaware of said request from said first user to enter chat mode".

The Examiner argues: "At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Campbell's invitation system as part of Eftis' on-line communication system in a network. The suggestion/motivation would have been to allow secure interactive synchronized collaboration via a network using a web browser (Campbell, pg. 1, par. 5-7)".

In response, Appellants assert that the preceding argument by the Examiner is not persuasive, because the Examiner has not explained how incorporation into Eftis of "said second user not currently executing a chat applet instance and being unaware of said request from said first user to enter chat mode" would contribute to secure interactive synchronized collaboration via a network using a web browser.

In addition, the Examiner has not provided evidence allegedly demonstrating that Eftis' invention lacks a capability of securing interactive synchronized collaboration via a network using a web browser, so that it is not obvious that incorporation of the preceding feature of claim 1 into Eftis would be of benefit to Eftis' invention.

Therefore, Eftis in view of Campbell does not disclose the preceding feature of claim 1.

Based on the preceding arguments, Appellants respectfully maintain that claim 1 is not unpatentable over Eftis in view of Campbell, and that claim 1 is in condition for allowance.

## GROUND OF REJECTION 2

Claim 5 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of Eftis-Campbell as applied to claim 1 above, and further in view of US Patent Number 7,263,526 to Busey et al (Busey hereinafter).

Since claim 5 depends from claim 1, which Appellants have argued *supra* to not be unpatentable over Eftis in view of Campbell under 35 U.S.C. §103(a), Appellants maintain that claim 5 is likewise not unpatentable over Eftis in view of Campbell and further in view of Busey under 35 U.S.C. §103(a).

In addition, Eftis in view of Campbell and further in view of Busey does not disclose the feature: “authenticating said first user to a message engine at said server to enable *unicast* messaging capabilities” (emphasis added).

The Examiner argues that Busey , FIG. 6 and col. 6, lines 51-61 disclose the preceding feature of claim 5.

In response, Appellants respectfully point out that Busey , col. 6, lines 51-61 relates to communication among multiple parties which is multicast, rather than unicast, communication. See Busey , col. 6, lines 58-59 (“all such users are able to interact with one another”).

Therefore, Eftis in view of Campbell and further in view of Busey does not disclose the preceding feature of claim 5.

In addition, Eftis in view of Campbell and further in view of Busey does not disclose the feature: “thereafter ... serving to said first user, in response to an *asynchronous message* from said first user requesting server content, a user interface to a collaboration tool for conveying

text and/or multimedia messages with respect to said first user and an administration server” (emphasis added).

The Examiner argues that Busey , FIG. 6 and col. 6, lines 51-61 disclose the preceding feature of claim 5.

In response, Appellants respectfully point out that Busey , col. 6, lines 51-61 does disclose asynchronous messaging.

Therefore, Eftis in view of Campbell and further in view of Busey does not disclose the preceding feature of claim 5.

In addition, Appellants assert that the Examiner’s argument is not persuasive as to why it is allegedly obvious to modify Eftis and Campbell by the features of “authenticating said first user to a message engine at said server to enable unicast messaging capabilities; and thereafter ... serving to said first user, in response to an asynchronous message from said first user requesting server content, a user interface to a collaboration tool for conveying text and/or multimedia messages with respect to said first user and an administration server”.

The Examiner argues: “At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Busey’s embedding of chat functions in a web page as part of Eftis-Campbell’s on-line communication system in a network. The suggestion/motivation would have been to overcome the limitations and inflexibility of existing HTML chat programs (Busey, Col. 2, lines 17-24).”

In response, Appellants assert that the preceding argument by the Examiner is not persuasive, because the Examiner has not explained how incorporation into Eftis and Campbell of “authenticating said first user to a message engine at said server to enable unicast messaging

capabilities; and thereafter ... serving to said first user, in response to an asynchronous message from said first user requesting server content, a user interface to a collaboration tool for conveying text and/or multimedia messages with respect to said first user and an administration server” would have overcome the limitations and inflexibility of existing HTML chat programs.

In addition, the Examiner has not provided evidence allegedly demonstrating that the invention of Eftis and Campbell is characterized by limitations and inflexibility of existing HTML chat programs, so that it is not obvious that incorporation of the preceding feature of claim 5 into Eftis and Campbell would be of benefit to the invention of Eftis and Campbell.

Based on the preceding arguments, Appellants respectfully maintain that claim 5 is not unpatentable over Eftis in view of Campbell and further in view of Busey, and that claim 5 is in condition for allowance.

## SUMMARY

In summary, Appellants respectfully requests reversal of the September 18, 2008 Office Action rejection of claims 1 and 5.

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**APPENDIX A - CLAIMS ON APPEAL**

1. A method for operating a server for establishing a chat session between two users in a network system, including a first user desiring to establish a chat session with a second user which does not have a chat application open, comprising:

said first user downloading from said server browser executable code for initiating a chat session;

said first user executing said browser executable code to display at a first browser window a chat invitation form including a header field, an instruction field, one or more fields for entering user identifiers, and a message field;

said first user entering to said chat invitation form one or more user identifiers including a user identifier for said second user, and optionally a message to said message field;

receiving at said server from said first user a request to enter chat mode with a second user;



receiving asynchronously at said server from said second user an HTTP request to download content from said server or any other intranet or Intranet server, said second user not currently executing a chat applet instance and being unaware of said request from said first user to enter chat mode;

said server responding to said HTTP request from said second user with an HTTP response including said content modified with a chat user interface to open a browser window including a header field, a messages field, and a response field, which browser window downloads a chat applet instance for execution at said second user;

executing said chat applet instance at said second user to instantiate a chat session between said first user and said second user; and

establishing a persistent connection between said second browser and said server to establish a channel for message exchange between said first and second browsers with said server acting as proxy.

5. The method of claim 1, further comprising:

authenticating said first user to a message engine at said server to enable unicast messaging capabilities; and thereafter

serving to said first user, in response to an asynchronous message from said first user requesting server content, a user interface to a collaboration tool for conveying text and/or multimedia messages with respect to said first user and an administration server.

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**APPENDIX B - EVIDENCE**

There is no evidence entered by the Examiner and relied upon by Appellants in this appeal.

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**APPENDIX C - RELATED PROCEEDINGS**

There are no proceedings identified in the "Related Appeals and Interferences" section.